

RECEIVED
CENTRAL FAX CENTER

From: David Levine

NOV 02 2007

1814

LEVINE
BAGADE
HAN LLP

2007 NOV -9 PM 5:45

2483 East Bayshore Road
Suite 100
Palo Alto, CA 94303
Main: 650.242.4210
Fax: 650.242.2100
www.LBHLLP.com

November 2, 2007

PRIVILEGED AND CONFIDENTIAL.

Mail Stop 16
 Director of the USPTO
 P.O. Box 1450
 Alexandria, VA 22313-1450

Re: Refund of Patent Fee Overpayment

Dear Sir or Madam,

It has come to our attention that Levine Bagade Han LLP is due credit in the amount of \$780.00. Below is an explanation of the credit.

U.S. Application No. 09/095,323
 Our Docket No. AS1XNA00100
 Fee paid via American Express: \$1560
 Date Charged: October 31, 2007
 Amount due to be credited: \$780

It is believed the error in fee amount is due to an over payment for twelve statutory disclaimers (terminal disclaimers) see code 2814 for a small entity pursuant to §37 CFR 1.20(d) filed via EFS-Web on October 31, 2007. The FY 2008 Fee Schedule effective September 30, 2007 clearly indicates the following fees for a statutory disclaimer:

Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
Post-Issuance Fees:				
1814/2814	1.20(d)	Statutory disclaimer	130.00	65.00

EFS-Web would not allow payment of a small entity fee for statutory disclaimer.

Accordingly, please credit the overpayment of \$780.00 to American Express credit card number 3715 370443 81012, as this was the original method of payment.

RECEIVED
CENTRAL FAX CENTER

NOV 02 2007

LEVINE BAGADE HAN LLP

November 2, 2007
Page 2 of 2

Application No.: 10/810,276

Support for this credit can be found in the attached documents, which include:

1. Electronic Acknowledgement Receipt for 09/095,323 indicating the fee for twelve statutory disclaimers (\$1,560) was submitted upon filing via EFS
2. Electronic Patent Application Fee Transmittal for 09/095,323 indicating the fee code 1814 in the amount of \$1560 (12 x \$130) was paid upon filing even though a small entity was designated.

I thank you in advance for your attention in this matter. Please feel free to contact me with any questions or comments regarding this refund request.

Sincerely,



Sanjay S. Bagade
Registration No. 42,280

Enclosures

RECEIVED
CENTRAL FAX CENTER

NOV 02 2007

 <p>LBH www.LBH:P.com</p>		<p>LEVINE BAGADE HAN LLP</p> <p>2483 East Bayshore Road Suite 100 Palo Alto, CA 94303 Tel: 650.242.4212 Fax: 650.284.2180 Customer No. 40518</p>	
FAX			
To:	Commissioner for Patents	From:	Sanjay S. Bagade Reg. No. 42,280
Fax:	{571} 273-8300	Pages:	4 (including cover page)
Phone:		Date:	November 2, 2007
Comments: REFUND OF PATENT FEE OVERPAYMENT ✓			
Application No.: 09/095,323			
Confirmation No.: 9521			
Filing Date: June 10, 1998			
Title: METHODS AND APPARATUS FOR TREATING SMOOTH MUSCLES IN THE WALLS OF BODY CONDUITS			
Inventor(s): Michael D. LAUFER			
Examiner: David M. Shay			
Group Art Unit: 3735			
Attorney Docket No.: ASTXNA00100			
Papers attached:			
<ol style="list-style-type: none">1. Transmittal Sheet – 1 page2. Letter re Request for Refund of Patent Fee Overpayment – 2 pages			

This fax and any attachments thereto may contain private, confidential, and privileged material for the sole use of the intended recipient. Any review, copying, or distribution of this fax (or any attachments thereto) by others is strictly prohibited. If you are not the intended recipient, please contact the sender immediately and permanently destroy the original and any copies of this fax and any attachments thereto.

RECEIVED
CENTRAL FAX CENTER

From: David Levine

NOV 02 2007

PTO/SB/21 (10-07)

Approved for use through 10/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL
FORM

(DO NOT USE FOR ALL CORRESPONDENCE OTHER THAN INITIAL FILING)

Total Number of Pages in This Submission 3

Application Number:	09/055,323
Filing Date:	June 10, 1999
First Named Inventor:	Michael D. LAUFER
Art Unit:	3738
Examiner Name:	David M. Shaw

Attorney Docket Number: ABT/XNACD0100

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> FRA Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Express Abandonment Request	<input checked="" type="checkbox"/> Request for Refund	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.63		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Levins Bagaria Han LLP		
Signature			
Printed name	Danjay C. Bagaria		
Date	November 2, 2007	Reg. No.	42,280

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

Typed or printed name

Date November 2, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Electronic Patent Application Fee Transmittal

Application Number:	09095323																																																
Filing Date:	10-Jun-1998																																																
<p>12/03/2007 SDIRETA1 00000001 09095323 01 FC:2814 780.00 OP</p> <p>Title of Invention: Refund Ref# 12/03/2007 0030047693</p> <p>Credit Card Refund Total: \$780.00</p> <p>Am Exp.: XXXXXXXXXX1012</p>																																																	
First Named Inventor/Applicant Name:	MICHAEL D. LAUFER																																																
Filer:	Sanjay S. Bagade/Quyen Nguyen																																																
Attorney Docket Number:	ASTXNA00100																																																
Filed as Small Entity																																																	
Utility Filing Fees <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Description</th> <th>Fee Code</th> <th>Quantity</th> <th>Amount</th> <th>Sub-Total in USD(\$)</th> </tr> </thead> <tbody> <tr> <td>Basic Filing:</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pages:</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Claims:</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Miscellaneous-Filing:</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Petition:</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Patent-Appeals-and-Interference:</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Post-Allowance-and-Post-Issuance:</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Statutory disclaimer</td> <td>1814</td> <td>12</td> <td>130</td> <td>1560</td> </tr> </tbody> </table>					Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)	Basic Filing:					Pages:					Claims:					Miscellaneous-Filing:					Petition:					Patent-Appeals-and-Interference:					Post-Allowance-and-Post-Issuance:					Statutory disclaimer	1814	12	130	1560
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)																																													
Basic Filing:																																																	
Pages:																																																	
Claims:																																																	
Miscellaneous-Filing:																																																	
Petition:																																																	
Patent-Appeals-and-Interference:																																																	
Post-Allowance-and-Post-Issuance:																																																	
Statutory disclaimer	1814	12	130	1560																																													
Extension-of-Time:																																																	

Adjustment date 12/03/2007
 INTEL
 000005734
 SDIRETA1
 -1560.00 OP
 117012007
 117012007
 01 FC:1814

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 1 month with \$0 paid	2251	1	60	60
Miscellaneous:				
Request for continued examination	2801	1	405	405
Total in USD (\$)				2025